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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIAFILED  
07 DEC -6 AM 10:07

UNITED STATES OF AMERICA,

Plaintiff,

v.

Noe Pedro SALINAS-Herrera,

Defendant

Magistrate Docket No.

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

07 MJ 2824

DEPUTY

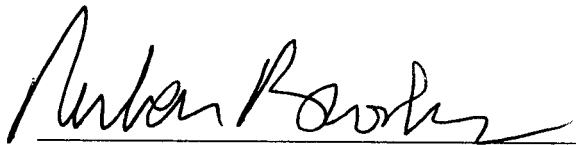
The undersigned complainant, being duly sworn, states:

On or about **December 5, 2007** within the Southern District of California, defendant, **Noe Pedro SALINAS-Herrera**, an alien, who previously had been excluded, deported and removed from the United States to **El Salvador**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James Trombley  
Senior Patrol AgentSWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 6<sup>th</sup> DAY OF December, 2007

Ruben B. Brooks  
UNITED STATES MAGISTRATE JUDGE

### PROBABLE CAUSE STATEMENT

On December 5, 2007, Border Patrol Agent Julian Hernandez was performing Line Watch Duty in an area known as South Park. At approximately 6:35 A.M., West Scope Operator National Guard relayed via Agency radio of twelve individuals heading north in the South Park area. This area is approximately five miles west of the San Ysidro, California Port of Entry and is immediately adjacent to the United States / Mexico International Boundary Fence. Upon arrival to the area, the National Guard Unit operating an Infrared Scope advised Agent Hernandez, via service radio, that the group was laying down. After a brief search, the Agent encountered the twelve subjects. Agent Hernandez then performed an immigration inspection. Agent Hernandez identified himself as a United States Border Patrol Agent and questioned each subject as to his citizenship and nationality. All twelve, including one later identified as the defendant **Noe Pedro SALINAS-Herrera**, freely admitted to being citizens and nationals of Mexico illegally present in the United States and none were in possession of any immigration documents that would allow them to enter or remain in the United States legally. All twelve, including the defendant were arrested and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **El Salvador** on **October 24, 2007** through **Phoenix, Arizona**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Upon further questioning and record checks the defendant admitted to being a citizen and national of El Salvador. For further immigration and criminal history see attached records.

The defendant was read his Miranda rights, which he acknowledged and was willing to make a statement without an attorney present. The defendant stated that he was a citizen and national of El Salvador without valid immigration documents to enter or remain within the United States legally. The defendant further stated that he has been previously deported and has never applied for permission to re-enter the United States prior to his entry.